

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CASE NO. 3:01-CR-079-MOC-DCK**

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|--|---|--|
| <b>UNITED STATES OF AMERICA,</b>       | ) |  |
|  | ) |  |
| <b>Plaintiff,</b>                      | ) |  |
|  | ) |  |
| <b>vs.</b>                             | ) |  |
|  | ) |  |
|  | ) |  |
| <b>BRANDON GATZ,</b>                   | ) |  |
|  | ) |  |
| <b>Defendant,</b>                      | ) |  |
|  | ) |  |
| <b>and</b>                             | ) |  |
|  | ) |  |
|  | ) |  |
| <b>INTERNATIONAL BUSINESS MACHINES</b> | ) |  |
| <b>CORP.,</b>                          | ) |  |
|  | ) |  |
| <b>Garnishee.</b>                      | ) |  |

**ORDER OF CONTINUING GARNISHMENT**

**THIS MATTER IS BEFORE THE COURT** on the answer of International Business Machines Corp., as the Garnishee. Judgment in the criminal case was filed on January 31, 2003 (Document No. 123). As part of that Judgment, the Defendant was ordered to pay an assessment of \$100.00 and restitution of \$834,710.64 to the victims of the crime. Id.

On December 9, 2021, the Court entered a Writ of Continuing Garnishment (“Writ”) (Document No. 240) as to the Garnishee, International Business Machines Corp. The Defendant was served with the Writ and Instructions notifying him of his right to request a hearing on December 18, 2021, and the Garnishee was served on December 16, 2021. The Garnishee filed an Answer on March 1, 2022 (Document No. 244) stating that at the time of the service of the Writ, the Garnishee had in its custody, control or possession property or funds owned by the

Defendant, including non-exempt, disposable earnings. The Defendant did not request a hearing, and the statutory time to do so has elapsed.

**IT IS, THEREFORE, ORDERED** that an Order of Continuing Garnishment is hereby **ENTERED** in the amount of \$817,497.86 computed through December 8, 2021. The Garnishee will pay the United States up to the lesser of (1) twenty-five percent of the Defendant's disposable earnings which remain after all deductions required by law have been withheld, or (2) the amount by which the Defendant's disposable earnings for each week exceed 30 times the federal minimum wage. See 15 U.S.C. § 1673(a). The Garnishee shall continue said payments until the debt to the Plaintiff is paid in full or until the Garnishee no longer has custody, possession or control of any property belonging to the Defendant or until further Order of this Court.

Payments should be made payable to the United States Clerk of Court and mailed to:

Clerk of the United States District Court  
401 West Trade Street  
Charlotte, North Carolina 28202

In order to ensure that each payment is credited properly, the following should be included on each check: Court Number DNCW3:01CR79-4.

**IT IS FURTHER ORDERED** that the Garnishee will advise this Court if the Defendant's employment is terminated at any time by the Garnishee or the Defendant.

The Plaintiff will submit this debt to the Treasury for inclusion in the Treasury Offset Program. Under this program, any federal payment the Defendant would normally receive may be offset and applied to this debt. Signed: April 29, 2022

**SO ORDERED.**

  
\_\_\_\_\_  
David C. Keesler  
United States Magistrate Judge

